



PATENT  
03DV-7112

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Scott Coonrod

: Art Unit: 2834

Serial No.: 09/682,679

: Examiner: Dang D. Le

Filed: October 4, 2001

:

For: METHODS AND APPARATUS FOR  
SECURING AN ENDSHIELD TO AN  
ELECTRIC MOTOR

:

Commissioner for Patents  
Washington, D.C. 20231

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TRANSMITTAL

1. Transmitted herewith is:

Response to Restriction Requirement dated December 10, 2002; Certificate of Mailing  
by Express Mail

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STATUS

2. Applicant

claims small entity status.  
 is other than a small entity.

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8a)

I hereby certify that this correspondence is, on the date shown below, being:

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Date: 12-30-02

FACSIMILE

transmitted by facsimile to the Patent and Trademark  
Office

  
\_\_\_\_\_  
Daniel M. Fitzgerald  
Registration No. 38,880

## **EXTENSION OF TERM**

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

(complete (a) or (b), as applicable)

(a)  Applicant petitions for an extension of time under 37 C.F.R. 1.136  
(Fees: 37 C.F.R. 1.17(a)-(d) for the total number of months checked below:)

Extension for response within:	Other than small entity Fee	Small entity Fee (if applicable)
first month	\$ 110.00	\$ 55.00
second month	\$ 400.00	\$ 200.00
third month	\$ 920.00	\$ 460.00
fourth month	\$1,440.00	\$ 720.00
fifth month	\$1,960.00	\$ 980.00

If an additional extension of time is required, please consider this a petition therefor.

*(Check and complete the next item, if applicable)*

— An extension of \_\_\_\_\_ months has already been secured. The fee paid therefor \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_.

OR

(b)  Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

## FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

(Col. 1)		(Col. 2)		(Col. 3)		SMALL ENTITY	OTHER THAN SMALL ENTITY
CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR		PRESENT EXTRA	ADDITIONAL RATE FEE	OR	ADDITIONAL RATE FEE
TOTAL INDEP.		MINUS		=	x \$9 = \$		x \$18 = \$
		MINUS		=	x \$42 = \$		x \$84 = \$
<u>      </u> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+ \$130 = \$			+ \$280 = \$
				TOTAL ADDITIONAL FEE \$	OR	TOTAL ADDITIONAL FEE \$	

(a)  No additional fee for Claims is required

**OR**

(b)  Total additional fee for claims required \$

## FEE PAYMENT

5.  Attached is a check in the sum of \$\_\_\_\_\_

Charge Deposit Account No. 01-2384 the sum of \$\_\_\_\_\_.  
A duplicate of this transmittal is attached.

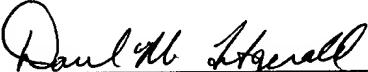
## FEE DEFICIENCY

6.  If any additional extension and/or fee is required, charge Deposit Account No. 01-2384.

## AND/OR

If any additional fee for claims is required, charge Deposit Account No. 01-2384.

7.  Other:

  
Daniel M. Fitzgerald  
 Daniel M. Fitzgerald  
 Registration No. 38,880  
 ARMSTRONG TEASDALE LLP  
 One Metropolitan Square, Suite 2600  
 St. Louis, MO 63102  
 314/621-5070



12-31-02

GP# 2834  
PATENT  
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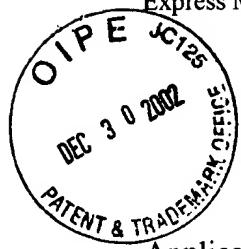
I certify that the documents listed below:

- Transmittal (3 pgs., in duplicate)
- Response to Restriction Requirement dated December 10, 2002 (2 pgs.)
- Certificate of Express Mail (1 pg.)
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are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231.

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:

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
Box NON-FEE AMENDMENT  
Washington, D.C. 20231

Sir:

The Office Action mailed December 10, 2002, has been carefully reviewed and the following remarks are submitted in consequence thereof.

Claims 1-23 are now pending in this application. Claims 1-23 are subject to a restriction requirement.

In response to the restriction requirement set forth in the Office Action, Applicant elects, with traverse, for prosecution in this application all claims of Group I, Claims 1-15.

Reconsideration of the restriction requirement imposed under 35 U.S.C. § 121 is respectfully requested. The restriction requirement is traversed because the inventions set out by the claims in Groups I and II are clearly related. Applicant submits that a thorough search and examination of either claim group would be relevant to the examination of the other group and would not be a serious burden on the Examiner. To the extent that the restriction requirement relies on this assertion, it is respectfully submitted that the restriction requirement is improper and should be withdrawn.

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The Office Action also suggests that the apparatus claims of Group I and the method claims of Group II are distinct because the steps recited in the method claims of Group II “can be practiced by hand.” Applicant respectfully submits that the method claims of Group II cannot be performed by hand. Furthermore, as required by the MPEP, the Examiner has failed to provide any reasonable examples as to how the method claims of Group II can be performed by hand. (See MPEP § 806.05(e).) Accordingly, Applicant respectfully submits that the restriction requirement is improper and should be withdrawn.

Moreover, even assuming, arguendo, that the method claims of Group II can be performed by hand, Applicant respectfully submits that the inventions set out by the claims in Groups I and II are not distinct because they both include an endshield assembly claimed in a similar fashion. Accordingly, Applicant respectfully submits that the restriction requirement is improper and should be withdrawn.

Reconsideration and favorable action with respect to all the pending claims is respectfully solicited.

Respectfully Submitted,

  
\_\_\_\_\_  
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